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DEPARTMENT OF STATE

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JUN 3 1991

Dear Mr. Chairman:

The Secretary has asked me to respond to your request for Executive Branch comments on H.J. Res. 220.

With regard to the first operative section of this bill, the conferral of honorary U.S. citizenship on Raoul Wallenberg would constitute a powerful symbolic political act. Although historical figures such as Leif Erickson and Christopher Columbus and living humanitarians such as Alexander Solzhenitsyn, Andrei Sakharov and Anatoliy Shcharanskiy, have all been advanced as candidates for this honor, the United States has previously accorded honorary citizenship to only one man: Winston Churchill. President John F. Kennedy, exercising the authority conferred upon him by the 88th Congress (Public Law 88-6), issued a proclamation on April 9, 1963, declaring Churchill to be an honorary American. There can be no question that honoring Raoul Wallenberg in a similar fashion would dramatically increase Wallenberg's renown as a courageous humanitarian not only among all those who owe their lives to Wallenberg, but also among all individuals and groups who value human life and human rights in general.

Raoul Wallenberg's credentials as a humanitarian are beyond dispute. Scion of a prominent Swedish family, Wallenberg voluntarily undertook a mission to Nazi-occupied Hungary in 1944 to try to save the lives of as many Hungarian Jews as he possibly could. Although he undertook this mission at the behest of the American War Refugee Board and with the agreement and support of the Government of Sweden, Wallenberg's success in his mission was due solely to his own personal daring and great bravery. In total disregard to his own physical safety and in the face of continued Nazi threats against him, Wallenberg saved thousands of innocent Hungarian Jews. His spirited defense of those to whom he was able to give protective Swedish documentation is said to have been indirectly responsible for also saving the lives of thousands of additional Hungarian Jews to whom he could not deliver protective documents. Confronted with Wallenberg's perseverance in his humanitarian acts, Nazi officials hesitated to enforce orders which would have condemned even more Hungarian Jews.

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The Honorable
Peter W. Rodino, Jr.,

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Immediately following the liberation of Budapest by Soviet troops in 1945, Raoul Wallenberg disappeared into Soviet custody. The Soviets have never accounted for their incarceration of Wallenberg, which was in total violation of Wallenberg's immunity as a Swedish diplomat under international law. Although there has been speculation that the Soviets suspected Wallenberg of being an espionage agent for the United States, there is not one shred of documentation to indicate Wallenberg was engaged in anything but a humanitarian effort.

The Soviet Union has not proven responsive to the international effort to obtain a clarification of Wallenberg's fate. Initially the Soviets denied any knowledge of Wallenberg. Then, in 1947, the Soviets informed Sweden that Wallenberg had died in Hungary in 1945. In 1957, after repeated Swedish inquiries for a clarification of Wallenberg's fate, the Soviets stated that Wallenberg had, in fact, died in a Soviet prison in 1947. Since 1957 the Soviets have persisted in their assertion that Wallenberg died in 1947. Most recently, in 1979, the Soviets again informed Sweden that Wallenberg had died in 1947 and that they would have nothing further to say on Wallenberg's fate in the future. Also in 1979, the United States raised the Wallenberg case directly with the Soviets on four separate occasions. In February of 1980 the Soviets finally responded to us, formally and in writing, stating again that Wallenberg had died in 1947 and that they would have nothing further on the case in the future.

The granting of honorary American citizenship to Wallenberg does not confer on the United States any new international legal right, duty or privilege on which basis to confront the Soviets on their indefensible incarceration of Wallenberg. Under international law, the conferral of honorary citizenship does not entitle the individual so honored to diplomatic rights of protection from the country honoring him. Nor will the Soviet Union be brought under any additional legal obligation by any treaty, international covenant or act to respond to U.S. inquiries regarding Wallenberg. As illustrated by the Nottebohm case (Liechtenstein v Guatemala) [1955] I.C.J. Rep. 4, under international law the Soviet legal obligation will remain to account to the Government of Sweden for Soviet treatment of a Swedish national and diplomat. We assume, therefore, that under the bill Wallenberg will not become a "citizen" of the United States for purposes of the Immigration and Nationality Act, nor will derivative nationality or immigration benefits be conferred on any descendants or relatives.

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Nonetheless, the conferral of honorary U.S. citizenship on Wallenberg would serve to underscore the seriousness with which the American Government and people view Soviet behavior in the Wallenberg case. Conferral of honorary U.S. citizenship on Wallenberg would also serve to reaffirm to the Government of Sweden that the United States firmly supports the quest to

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appropriate to do so, the Department of State does not have any objection to legislation honoring Raoul Wallenberg.

The second operative section of H.J. Res. 220 is totally consistent with present U.S. policy. Despite the lack of responsiveness on the part of the Soviet Union, we have continued our efforts to gain information regarding Wallenberg's fate. In December of 1960 at the Madrid CSCE Review Conference, the United States delegation voiced its support for the position of the Government of Sweden when the Swedish delegation urged renewed efforts to resolve the Wallenberg case. In addition, representatives from the American Embassy in Stockholm attended sessions of the recent hearing on the Wallenberg case held in Stockholm on January 15 and 16 of this year. Most recently, on April 10, Ambassador Max Kampelman, speaking in Madrid for a CSCE plenary session, stated that the Wallenberg case was one that "will not go away." Ambassador Kampelman noted that the refusal of the Soviets "to appreciate the human factor which is symbolized by the Wallenberg case is stimulating even further interest." He stated that "the tragic mystery of Raoul Wallenberg is unnecessarily becoming a divisive international issue."

Regrettably, we have thus far been unable to confirm reports that Wallenberg might still be alive. Nonetheless, until the Soviets provide an adequate clarification of Wallenberg's fate, we cannot accept their position that they can provide no further information on the case. It is the intention of the United States Government to continue to express our concern over the Wallenberg case at every appropriate opportunity and to continue to cooperate with the Government of Sweden and all other interested parties to obtain a clarification of Wallenberg's fate.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

A

Richard Fairbanks
Assistant Secretary
for Congressional Relations

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